

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JERRY BLANEY,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 3:23-CV-1185-X-BT
	§	
STATE OF TEXAS,	§	
	§	
<i>Defendant.</i>	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE  
JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case, recommending that the Court transfer Jerry Blaney’s habeas petition to the Fifth Circuit as a successive habeas petition. [Doc. 5]. Jerry Blaney filed a *Notice of Judicial Misconduct*, which the Court construes as an objection because it appears to reference the Magistrate Judge’s opinion. [Doc. 8].

Blaney raises four points. First, he lambasts “corrupt clerks” for listing the defendant in the case caption as “Director, TDCJ-CID” when Blaney actually sued the “State of Texas.”<sup>1</sup> Second, he complains that “[c]orrupt clerks” have committed “felony crimes” against him by refusing to accept his filing fee.<sup>2</sup> Third, he complains

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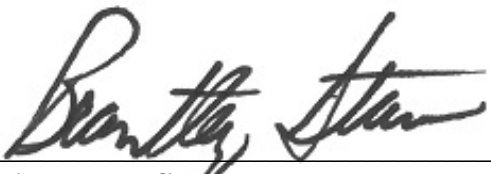
<sup>1</sup> Compare Doc. 5 at 1, with Doc. 3 at 1.

<sup>2</sup> Doc. 8 at 1. To the extent Blaney attempts to sue the State of Texas for crimes, like kidnapping, Blaney has failed to explain how he can bring a civil suit based on a criminal law. In any event, Blaney doesn’t challenge the Magistrate Judge’s construction of his complaint as a habeas petition, so the Court’s review is only for plain error. The Court finds none.

that “corrupt clerks” have been “forging and falsifying [his] civil suits for sixteen years.”<sup>3</sup> Fourth, he lambasts the “corrupt Judges” who have denied his appeals and civil suits.<sup>4</sup> But none of those contentions explains why Blaney’s appeal isn’t successive.

Accordingly, the Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the Magistrate Judge. The Court therefore **TRANSFERS** Blaney’s petition for a writ of habeas corpus to the United States Court of Appeals for the Fifth Circuit.

**IT IS SO ORDERED** this 6th day of July, 2023.

  
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BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup> Doc. 8 at 2.

<sup>4</sup> *Id.* Query whether these are the same civil suits that the corrupt clerks allegedly forged.